

Serial No. 10/754,810

PATENT
Docket No. 54317-020301**REMARKS**

This amendment is responsive to the Office Action mailed on April 22, 2005 setting a three month shortened statutory period for response expiring on July 22, 2005. Prompt reconsideration is respectfully requested in view of the above amendments and these remarks.

The Abstract was objected to as exceeding the 150 word limit. The Abstract has been amended accordingly to comply with all requirements. The Abstract is less than 150 words, and is only one paragraph. The Abstract is directed to the technical disclosure, not just the gate assembly that is now claimed. Accordingly, both are mentioned in the Abstract as required by MPEP608.01(b). The Title was objected to as not being directed to the invention claimed. The Title has been accordingly revised to obviate this objection.

Claims 66 and 68 were finally withdrawn from consideration by the examiner. Accordingly, these claims have now been canceled but are retained in the application pending the filing of a suitable continuing application to further prosecute these claims.

Claim 65 was rejected under 35 USC 112 second paragraph. Claim 65 has been amended to overcome the rejection under 35 USC 112. It is submitted that this claim now has sufficient structure to obviate this rejection.

Claims 64 and 65 stand rejected under 35 USC 102(e) as anticipated by Brown. Claim 67 stands rejected as obvious over Brown in view of Jones. Amended claims 64 and 67 now recite that the rail assemblies are spring biased from the gate body. This structure is not taught by Brown or Jones, as Brown's and Jones gates are fixed, and therefore these independent claims patentably distinguish over the prior art.

Claims 64, 65 and 67 remain pending and under examination in this application. These claims are believed to be clearly allowable over the art. This amendment is believed to be responsive to all points raised in the Office Action. Accordingly, prompt allowance and passage of the application to issue are earnestly solicited.

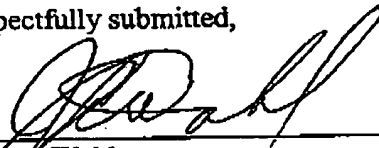
Serial No. 10/754,810

PATENT
Docket No. 54317-020301

Should matters remain that the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned attorney at (310) 586-6541.

This response is being timely filed and no fee is believed due. However, if the Applicants are mistaken, the Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, now or in the future, or credit any overpayment to Account No. 50-2638. Please ensure that the Attorney Docket Number 54317-020301 when charging any payments or credits in connection with this application.

Respectfully submitted,



John E. Wahl
Reg. No. 33,044

Date: July 20, 2005

Customer Number 46560
GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (310) 586-6541
Fax: (310) 586-0541
E-mail: wahlj@gtlaw.com

LA-FS1351178v01\54317.020301